

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshiaki Kisaka et al.

Application No.: 10/643,017

Confirmation No.: 2087

Filed: August 15, 2003

Art Unit: 2613

For: Polarization Mode Dispersion Compensation
Method And Polarization Mode Dispersion
Compensation Device

Examiner: N. M. Curs

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner will please note that applicants have filed concurrently herewith a Preliminary Amendment, which adds new generic claims 60 and 61. Thus this response has been drafted to include the newly added claims.

Applicants' Preferred Election:

Applicants would prefer to pursue prosecution of FIG. 4, rather than FIG. 1. The main difference between FIG. 1 and FIG. 4 is a DGD element 31 shown in FIG. 4. Applicants believe that all of the claims corresponding to FIG. 4 are readable on Species 1.

Accordingly, in response to the election requirement, applicants hereby elect the species covered by Species 1 (FIG. 1 and FIG. 4) and Subspecies A (FIG. 13). In this regard:

Claims 1-5, 12, 15, 16, 21-29 and 55-61 are readable on Species 1. Moreover, claims 1-5, 12, 15, 16, 22, 23 and 60-61 are readable on both Species 1 and Subspecies A.

Applicants' Alternate Election:

As noted above, Applicants would prefer to pursue prosecution of FIG. 4, rather than FIG. 1. In the event the Examiner considers that one or more claims corresponding to FIG. 4 (e.g., Claim 15) are not readable on Species 1, then applicants wish to make the alternate election of FIG. 4 (species) and FIG. 13 (subspecies). Under such alternate election, the following claims would be readable on the elected species and subspecies:

Claims 3-5, 15, 16, 21-29, and 55-61 are readable on FIG. 4. Moreover, claims 3-5, 15, 16, 22, 23 and 60-61 are readable on both FIG. 4 and FIG. 13.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.